

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KRISTINE M. DISHONG,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

Defendant.

8:15-CV-399

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's Motion for Attorney Fees Pursuant to [42 U.S.C. § 406\(b\)](#) ([filing 29](#)). In a previous order, the Court awarded the plaintiff fees and expenses in the amount of \$8,889.87 pursuant to the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#). [Filing 27](#). Now before the Court is the plaintiff's motion for \$24,789.00 in attorney fees pursuant to [42 U.S.C. § 406\(b\)](#). The defendant has no objection to the awarding of fees and expenses in that amount, which represents 25 percent of the plaintiff's award of past due benefits, provided that the plaintiff's counsel refunds the lesser of the two fee awards to the plaintiff. [Filing 31](#). Plaintiff's counsel has agreed to do so. [Filing 29 at 3](#).

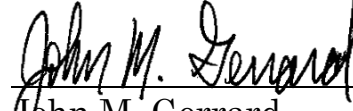
The Court, being fully advised in the premises, finds that the amount of fees requested is fair and reasonable. Accordingly, the Court will grant the plaintiff's motion and award the requested fees. The Court will further direct the plaintiff's counsel to refund the smaller fee award to the plaintiff, and authorized counsel to transfer the amount of the previous fee award from her trust account as payment for services rendered.

IT IS ORDERED:

1. The plaintiff's Motion for Attorney Fees Pursuant to [42 U.S.C. § 406\(b\)](#) ([filing 29](#)) is granted.
2. By separate document, the Court shall enter judgment for plaintiff and against defendant providing that plaintiff is awarded attorney fees of \$24,789.00.
3. The defendant shall release the withheld amount of \$16,519.00 to the plaintiff's counsel, and the plaintiff's counsel shall recover the mistakenly released sum of \$8,270.00 directly from the plaintiff's minor child.
4. The plaintiff's counsel is directed to refund the fee award of \$8,889.87 to the plaintiff.

Dated this 11th day of September, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge